IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2226 of 2005

Between:

Syed Ghiasuddin, S/o. Syed Yousufuddin,
R/o. 17-2-940, Rein Bazar, Hyderabad.

..... PETITIONER

AND

The Regional Passport Officer, Office Situated Near Prashant Theatre,
Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue and appropriate Writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent in not issuing new passport on fresh application to the petitioner with date of birth entered as 2-7-1956 instead of 2-7-1955 as highly illegal and arbitrary. Any other relief deemed fit and proper be also granted to the petitioner.

Counsel for the Petitioner: MR.ABDUL NAJEEB KHAN

Counsel for the Respondent : MR. CHANDRASEKHAR REDDY (SC FOR CG)

The Court at the admission stage made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondent.

This writ petition is filed seeking to declare the action of the respondent in not issuing new passport on a fresh application made by the petitioner, entering the date of birth as 02-07-1955 instead of 02-07-1956 as arbitrary and illegal.

The petitioner stated that he obtained passport on 03-07-1990 and renewed the same on 30-07-1995, in which his date of birth was wrongly mentioned as 02-07-1955 instead of 02-07-1956. It is further stated that he approached the respondent on 02-02-2005, seeking issuance of new passport on fresh application with correct date of birth. However, the respondent refused to take any action. Hence, this writ petition.

As held by this Court in a judgment in ***Mohammad Dilawar Shariff Vs. Union of India, represented by its Secretary, Ministry of External Affairs, New Delhi and another,*** correction of date of birth in the passport once issued is not permissible. However, it is to be noted that subsequently, the Government of India, Ministry of External Affairs issued a circular dated 18-04-2001, under which it is

now permissible for the Regional Passport Officer to affect the corrections under certain circumstances specified under the circular. At any rate, in the case on hand, the petitioner states that he made a fresh application for new passport with correct date of birth.

In the facts and circumstances of the case, the writ petition is disposed of granting liberty to the petitioner to make an appropriate application together with the material to substantiate his correct date of birth within four weeks from today, in which event, the respondent shall consider the same in terms of the circular dated 18-04-2001 and pass appropriate orders, in accordance with law, within a period of four weeks thereafter. No costs.

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(**G.ROHINI, J**)

Date: 10-02-2005

Note:

Issue CC in two days.

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To

1. The Regional Passport Officer, Office Situated Near Prashant Theatre, Secunderabad.

2. Two CD Copies